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APR 02 2007

OFFICE OF PETITIONS

In re Application of	:	
Morgenweck, et al.	:	
Application No. 10/826,734	:	ON PETITION
Filed: April 16, 2004	:	
Attorney Docket No. 81768/LPK	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 9, 2007.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the non-final Office action mailed July 5, 2006. This Office action set an extendable period for reply of three (3) months. No reply having been received, the application became abandoned on October 6, 2006. A Notice of Abandonment was mailed on January 30, 2007.

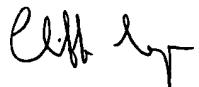
Petitioner contends that he did timely file a reply. In support, petitioner has included a copy of a USPTO date stamped postcard receipt dated October 4, 2006, and itemizing an amendment.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The matter is being forwarded to Group Art Unit 2852 for consideration of the amendment filed October 4, 2006 (copy supplied with the instant petition).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions